

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 21, 2003

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,
Deputy Clerk.

Each of the following:

B152485 People v. Morris
B155068 People v. Granville
B157140 People v. Santiago L.
B157879 People v. Rosales
B157897 People v. Cortez
B158272 People v. Gomez
B158322 People v. Anderson
B160361 People v. Ronnie L.
B157523 Smith et al. v. LA Repack et al
B158162 In re Tyler K./DCFS v. Carol K.
B159448 In re Trayon P./DCFS v. Tawana R.
B162698 Kim v. Superior Court; DCFS

Argument waived, cause submitted.

B156488 Johnson
 v.
 Johnson

Merits:

Argued by Dennis C. Johnson, appellant in propria persona. Respondent
previously waived oral argument. Cause submitted.

DIVISION ONE (Continued)

B149860 Martinez
 v.
 Valdez, Jr.
 Estate of Frank J. Valdez, Sr., deceased.

Appearance:

No appearance for respondent and appellant having previously waived oral argument. Cause submitted.

B155698 Pitchford
 v.
 Los Angeles Unified School District

Merits:

Argued by Duke L. Peters for appellant and by Mark D. Kemple for respondent. Cause submitted.

B155926 Lee
 v.
 Ahn

Merits:

Argued by Steven C. Kim for appellant and by David J. Cowan for respondent. Cause submitted.

B154806 Todd
 v.
 County of Los Angeles

Merits:

Argued by Lawrence R. Booth for respondent and by Timothy T. Coates for appellant. Cause submitted.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

B156815 Encinas
 v.
 Catholic Healthcare West etc.

Merits:
Argued by L. Eugene Hallsted for appellant and by Dawn Cushman for
respondents. Cause submitted.

Court adjourned.

B154806 Carolos Todd (Not for Publication)
 v.
 County of Los Angeles

The judgment is reversed, and the cause is remanded to the trial court with
directions to enter a judgment in favor of the County. The parties shall pay
their own costs on appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Mallano, J.

B157140 People (Not for Publication)
 v.
 Santiago L.

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

DIVISION ONE (Continued)

B158322 People (Not for Publication)
v.
Eric Anderson

The judgment is reversed and the cause is remanded to the trial court with directions to afford Anderson an opportunity to withdraw his no contest plea and admissions; and, if he does, to conduct an evidentiary hearing on Anderson's motion to suppress.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B156815 Angela Encinas (Not for Publication)
v.
Catholic Healthcare West, Southern California, et al.

The order of dismissal is reversed, and the cause is remanded to the trial Court with directions (1) to vacate its order sustaining the demurrer without leave to amend, and (2) to enter a new order sustaining the demurrer *with* leave to amend and directing St. Mary's to answer the amended complaint. Encinas is awarded her costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B162698 Kim M. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

January 21, 2003 (Continued)

DIVISION ONE (Continued)

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The order for a CYA commitment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B154389/ Fireman
B158623 v.
Pendleton

Filed order consolidating above captioned appeals.

DIVISION FOUR

B157664 Los Angeles County, D.C.S. (Not for Publication)
v.
Yvonne A. et al.

The jurisdictional and dispositional orders of the juvenile court are reversed, and the matter is remanded to the juvenile court with directions to order the Department of Children and Family Services to provide the Blackfeet, Comanche, and Cherokee Tribes with proper notice of the proceedings under ICWA, and to file proof of receipt of such notice by such tribes, along with a copy of the notice, in the juvenile court. The juvenile court shall then determine whether such notice and proof is proper under ICWA. If, after receiving such notice, no tribe indicates the minor is an Indian child within the meaning of the Act, the juvenile court shall then reinstate the jurisdictional and dispositional orders. In all other respects, the judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B155833 Gail Slotkin (Not for Publication)
 v.
 Saul Rosoff, M.D., P.C.

The judgment is reversed. Each party to bear their own costs.

Grignon, J.

We concur: Turner, P.J.
 Mosk, J.

B151721 CBS Broadcasting, Inc. (Not for Publication)
 v.
 The Carsey-Werner Company, et al.

The judgment is reversed. Appellant(s) to recover costs.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

B154983 Judy Dunlap (Not for Publication)
 v.
 City of Inglewood
 Michael Miller

The superior court's ruling on the request for fees under the Brown Act is affirmed. The denial of the request for fees under the Public Records Act is reversed, and the matter is remanded to the trial court for further proceedings consistent with this opinion. Each party is to bear its own costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B159335 Paul Janossy (Not for Publication)
 v.
 Washington Mutual Bank

The judgment is affirmed. Each party to bear their own costs.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

B154995 Mark Visheau (Not for Publication)
 v.
 Centinela Hospital Medical Center

The judgment is reversed. Appellant(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Mosk, J.

B148202 People (Not for Publication)
 v.
 Brian D. Dennis

The judgment is reversed and the charge against appellant is ordered dismissed.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Mosk, J.

B157622 People (Not for Publication)
 v.
 Robert Charles Hodges, Sr.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

January 21, 2003 (Continued)

DIVISION FIVE (Continued)

B142079 People (Not for Publication)
v.
Russell Hubert Statum

The judgment is reversed. This matter is remanded for sentencing as a felony.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B156478 People (Not for Publication)
v.
Freddie Lee Wright

The abstract of judgment is ordered corrected to show a restitution fine of \$200 pursuant to section 1202.4, subdivision (b) and a parole revocation fine of \$200, suspended, pursuant to section 1202.45. The clerk of the superior court is instructed to prepare an amended abstract of judgment showing those fines, and to deliver a copy of the abstract of the Department of Corrections. The judgment is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B154508 People (Not for Publication)
v.
Tremain Campbell

The judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

January 21, 2003 (Continued)

DIVISION FIVE (Continued)

B149899 Arvind Patel (Not for Publication)
v.
Fouad El-Refai

The judgment is affirmed. Plaintiff and appellant is to bear costs on appeal.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B157006 People (Not for Publication)
v.
Gabriel R. Perez

The matter is remanded to the trial court for a new hearing regarding the amount of restitution to be paid. The judgment is otherwise affirmed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

B149899 Arvind Patel (Not for Publication)
v.
Fouad El-Refai

The judgment is affirmed. Plaintiff and appellant is to bear costs on appeal.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION SIX

B161567 People (Not for Publication)
 v.
 Hernandez

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

B156153 Bellio (Certified for Publication)
 v.
 Bellio

The judgment is reversed. The matter is remanded to the trial court with directions to enforce the premarital agreement. Wife shall recover her costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

B157181 San Luis Obispo Dept. of Social Services (Not for Publication)
 v.
 Robert G., Sr.

The order is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

January 21, 2003 (Continued)

DIVISION SIX (Continued)

B159431 People (Not for Publication)
v.
Loughman

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B159341 Dolan (Not for Publication)
v.
D.M.V., et al.

The judgment is reversed and this case is remanded to the trial court with directions to enter an order denying Dolan's petition for a writ of mandate and reinstating the DMV's suspension order. The parties are to bear their own costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B160392 People (Not for Publication)
v.
Herrera

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

January 21, 2003 (Continued)

DIVISION SEVEN

B155985 Chandler (Not for Publication)
v.
Pacific Coast Funding

The judgment is affirmed. Respondent(s) to recover costs.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
Johnson, J.

B155722 Machuca (Not for Publication)
v.
Jimenez

The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
Woods, J.

B155122 People (Not for Publication)
v.
White

The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
Woods, J.

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The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
Johnson, J.

January 21, 2003 (Continued)

DIVISION SEVEN (Continued)

B153420 People (Not for Publication)
v.
Reales

The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
 Woods, J.

B152483 People (Not for Publication)
v.
Fleeman

The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
 Johnson, J.

B154714 People (Not for Publication)
v.
Shaffer

The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Johnson, Acting P.J.
Woods, J.

DIVISION SEVEN (Continued)

B145834 Mobil Oil Corporation (Not for Publication)
v.
Southern California Edison Company

The judgment is reversed and remanded to the trial court with instructions to vacate the order granting Edison's motion for entry of judgment on the breach of contract claim and place the matter back on track for trial. The orders denying the motion for nonsuit on the fraud claim and striking the strict product liability cause of action are affirmed. Appellant is awarded costs on appeal.

Woods, J.

We concur: Perluss, P.J.
Munoz, J. (Assigned)

B158866 Los Angeles County, D.C.S. (Not for Publication)
v.
Esperanza F.,
In re Esperanza G.

The judgment is affirmed.

Woods, J.

I concur: Perluss, P.J.
I dissent: Johnson, J. (Opinion)

B155988 Amell (Not for Publication)
v.
Golden Eagle Insurance Company

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B154289 Begl Construction Co., Inc. (Not for Publication)
v.
City of Los Angeles, et al.

The judgment is reversed; upon remand, the trial court is directed to grant that part of the petition for writ of mandamus seeking to set aside the June 6, 2001, determination that Begl is a non-responsible contractor. Begl is entitled to costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B154743 People (Not for Publication)
v.
Aguilar

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B148369 People (Not for Publication)
v.
Cruz

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B156918 Royal Canadian Mutual Investments, Ltd., (Not for Publication)
v.
Home Depot U.S.A., Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B159409 Clarey (Not for Publication)
v.
Superior Court, Los Angeles County
(Sheppard Mullin et al., r.p.i.)

Let a peremptory writ of mandate issue directing the trial court to vacate its order granting defendant's motion to compel arbitration, to enter a new and different order denying the motion as to Christy Clarey and to conduct further proceedings consistent with the views expressed in this opinion. Petitioner is awarded her costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B158279 People (Not for Publication)
v.
Robbionta M.

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B160755 People
v.
Morris

(Not for Publication)

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B157482 Los Angeles County, D.C.S. (Not for Publication)
v.
Eric D.,
In re Chevelle D.

The jurisdictional finding regarding father's history of drug and alcohol use is reversed. The dispositional order is reversed to the extent it includes a substance abuse component. In all other respects, the dispositional order is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B158823 People (Not for Publication)
v.
Ward

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B157459 People (Not for Publication)
v.
Lavergne

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B159300 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Munoz, J. (Assigned)

B150039 Roberts (Certified for Publication)
v.
Los Angeles County Bar Association

The order is reversed with directions to the superior court to enter a new order granting the section 425.16 motion to strike. Appellant(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B156616 People v. Hernandez, et al. (Not for Publication)
B162384 In re Herrera on habeas corpus

The judgment is affirmed. Herrera's petition is denied.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
Woods, J.

DIVISION EIGHT

B153030 FlightSafety International, Inc. (Certified for Publication)
v.
Los Angeles County Assessment Appeals Boards
Los Angeles County Board of Supervisors

The judgment is affirmed. FlightSafety International is to recover its costs on appeal.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B152689 Ingerson (Not for Publication)
B153595 v.
Twentieth Century Fox Film Corporation, et al.

The judgment and the post-judgment order on costs are affirmed.
Respondents are to recover their costs of appeal.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

DIVISION EIGHT (Continued)

B155636 Gray

v.

Lefrak & Associates, P.C.

Filed order denying petition for rehearing.